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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 JET IMPORTS, L.L.C.,
11 Plaintiff/Counter-Defendant,
12 v.
13 WHAK SAK INDUSTRIES, INC.,
14 Defendant/Counter-claimant.

Case No. 2:10-CV-00266-KJD-RJJ

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16 **ORDER**

17 Presently before the Court is Counter-claimant Whak Sak Industries, Inc.'s Motion to Strike
18 Answer to Counterclaim (#19). Counter-defendant Jet Imports, L.L.C. filed a response in opposition
19 (#20) to which Counter-claimant replied (#21). The answer to the counterclaim was due no later
than April 2, 2010. The action had been transferred to this Court on February 25, 2010 from the
20 United States District Court, Southern District of Iowa. The Verified Petition for Permission to
21 Practice *Pro Hac Vice* (#16) on behalf of Plaintiff/Counter-defendant was filed on April 9, 2010, and
22 granted (#17) on April 12, 2010. Counter-defendant then filed its Answer (#18) on April 22, 2010.

23 Counter-claimant correctly asserts that Counter-defendant should have sought leave to file a
24 late answer to the counterclaim. However, the Court construes Counter-defendant's late filed answer
25 and opposition to the motion to strike as a motion to file the answer late. Having read and
26 considered the pleadings and finding good cause, the Court grants Counter-defendant's motion for an

1 extension of time. The Court notes that had Counter-claimant's counsel merely extended the
2 courtesy of inquiring about Counter-defendant's intention to proceed before seeking entry of default,
3 as required by Nevada Rule of Professional Conduct 3.5A, then the unnecessary motion for default
4 judgment and motion to strike could have been avoided.

5 Accordingly, IT IS HEREBY ORDERED that Counter-claimant Whak Sak Industries, Inc.'s
6 Motion to Strike Answer to Counterclaim (#19) is **DENIED**.

7 DATED this 4th day of March 2011.

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11 Kent J. Dawson
12 United States District Judge
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